

PO Box 293150  
Lewisville, TX 75029-3150



February 19, 2009

Richard Simmons Eleanor Simmons  
264 Lagoon Dr W  
Lido Beach, NY 11561-4918

## EMC Mortgage Corporation

Re: Loan No: 0003877099  
Property Address: 264 Lagoon Dr W  
Lido Beach, NY 11561-4918

Dear Richard Simmons Eleanor Simmons:

You are hereby provided formal notice by the Servicer (EMC Mortgage Corporation), as authorized by the Creditor of the above-referenced home loan (hereinafter referred to as "the Debt") that you are in default under the terms and conditions of the Note and Security Instrument (i.e. Deed of Trust, Mortgage, etc.) for failure to pay the required installments when due, **and important data regarding that information is found in this document.**

This letter serves as further notice that EMC Mortgage Corporation intends to enforce the provisions of the Note and Security Instrument. You must pay the full amount of the default on this loan by the thirty-fifth (35th) day from the date of this letter which is 03/26/2009 (or if said date falls on a Saturday, Sunday, or legal holiday, then on the first business day thereafter). If you do not pay the full amount of the default, we shall accelerate the entire sum of both principal and interest due and payable, and invoke any remedies provided for in the Note and Security Instrument, including but not limited to the foreclosure sale of the property. If you received a bankruptcy discharge that included this debt, this notice is not intended and does not constitute an attempt to collect a debt against you personally. Notice provisions may be contained within your mortgage/deed of trust which notice may be required prior to foreclosure.

You are hereby informed that you have the right to "cure" or reinstate the loan after acceleration and the right to assert in the foreclosure proceeding the non-existence of a default or any other defense you may have to acceleration and sale.

As of 02/18/2009 the amount of the debt that we are seeking to collect is \$37,994.97, which includes the sum of payments that have come due on and after the date of default 08/01/2008, any late charges, periodic adjustments to the payment amount (if applicable) and expenses of collection. In addition, any advances made by the Servicer to protect their lien position must be added to the total amount necessary to cure the default. Because of interest, late charges, and other charges or credits that may vary from day to day, or be assessed during the legal processing of this letter, the amount due on the day that you pay may be greater. Please contact EMC Mortgage Corporation at 1-800-723-3004 on the day that you intend to pay for the full amount owed on your account. This letter is in no way intended as a payoff statement for your mortgage, it merely states an amount necessary to cure the current delinquency.

**IMPORTANT INFORMATION CONCERNING YOUR RIGHTS IS  
CONTAINED ON PAGE TWO**

EXHIBIT A

EXHIBIT XB

EXHIBIT C

EXHIBIT D

EXHIBIT E

the Note, your 03/01/2009 installment is still due on 03/01/2009 (or if said date(s) falls on a Saturday, Sunday, or legal holiday, then on the first business day thereafter). In addition, any advances made by the Servicer to protect their lien position must be added to the total amount necessary to cure the default. Please disregard this notice if a payment sufficient to cure the default has already been sent.

**EMC Mortgage Corporation is attempting to collect a debt, and any information obtained will be used for that purpose.**

A "CURE" or "Reinstatement Right" similar to that described in the prior paragraph may be available in many states. If, at any time, you make a written request not to be contacted by phone at your place of employment, we will not do so. If you voluntarily surrender possession of the collateral specified herein, you could still owe additional monies after the money received from the sale of the collateral is deducted from the total amount you owe.

EMC Mortgage Corporation would like you to be aware that if you are unable to make payments or resume payments within a reasonable period of time due to a reduction in your income resulting from a loss or reduction in your employment, you may be eligible for Homeownership Counseling. Please contact the HUD toll free number (800-569-4287) to obtain a list of HUD approved nonprofit organizations servicing your residential area.

You are notified that this default and any other legal action that may occur as a result thereof may be reported to one or more local and national credit reporting agencies by EMC Mortgage Corporation. EMC Mortgage Corporation requests that all payments be made in **certified funds, cashier's check or money order(s)** payable to and mailed to EMC Mortgage Corporation at **Po Box 660753 Dallas, TX 75266-0753**. You may contact **EMC Mortgage Corporation at 1-800-723-3004** should you have servicing questions regarding your account.

The matters discussed herein are of extreme importance. We trust you will give them appropriate attention.

Very truly yours,

EMC Mortgage Corporation

Mac Arthur Ridge II, 909 Hidden Ridge Drive, Suite 200, Irving, Texas 75038  
MAILING ADDRESS: Po Box 660753 Dallas, TX 75266-0753

EXHIBIT A

EXHIBIT

X B

EXHIBIT C

EXHIBIT D

EXHIBIT E